

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants - Andhra Pradesh Health Medical & Family Welfare Department - Allegations of irregularities against Dr. Md.Syed Arifuddin, formerly Reader Government Nizamia Tibbi College, Hyderabad (now retired) - placed under suspension - reinstated - Criminal Case No.29/2004 filed by C.I.D. - Acquitted on benefit of doubt by the Hon'ble II Addl. Judicial Magistrate of Ist Class, Eluru in CC.No.225/2008 - Regularisation of suspension period from 20.4.2006 to 25.5.2006 - orders - issued.

= = = = =

HEALTH, MEDICAL & FAMILY WELFARE (VC.1) DEPARTMENT

G.O.Rt.No. 13

Dated:03-01-2014

Read the following:-

- 1) From the Investigating Officer, C.I.D., Hyd., Lr.C.No.1806/ C166/ CID/2004 dt.24.4.2006.
- 2) From the Commissioner, Dept., of Ayush, Hyd. Lr.RNo.2710/ U.1/ 2003 dt.27.4.2006
- 3) G.O.Rt.No.531 HM&FW(VC.1(2)Dept. dt. 5.5.2006
- 4) Interim order dt.25.5.2006 of the Hon'ble A.P.A.T., in O.A.No.3144/ 2006 filed by Dr.Syed Arifuddin, Reader, GNTC, Hyd.
- 5) Representation dt. 19.2.2008 of the Dr. Syed Arifuddin, Govt., Nizamia Tibbi College, Hyd. addressed to the Prl. GNTC, Hyd.
- 6) Lr.No.9133/U1/2006 dt.14.6.2008 of the Commissioner, Department of Ayush, A.P.Hyd.
- 7) Orders dt.1.8.2012 of the Hon'ble APAT in O.A.No.12728/2009 filed by Dr. Syed Arifuddin,
- 8) Orders dt. 31-10-2013 of the APAT in C.A.No.1172/2013 in O.A.No.,12728/2009 filed by Dr.Syed Ariffudin.
- 9) Orders dt.18.5.2013 of the Hon'ble IInd Addl. Judl., Magistrate of I Class, Eluru, in C.C.No.225/2008.
- 10) Memo.No.2182/V.C.1(2)/2002HM&FW(VC.1)Dept.dt.23.7.2013
- 11) Orders dt.28.11.2013 of the Hon'ble High Court of A.P. in W.P.No.33624/2013 filed by Commissioner, Dept. of Ayush, Hyderabad.

-X-

In the reference 2<sup>nd</sup> read above, the Commissioner, Department of AYUSH has informed that the Investigating Officer, CID, Hyderabad has stated that the accused officer Dr. Syed Arifuddin, Reader, Govt., Nizamia Tibbi College, Hyderabad in Cr.No.29/2004 under Section 465,471 and 420 r/w 34 IPC of CIDPS, Hyderabad along with his two daughters were arrested on 20.4.2006 at 10.30 A.M. at their residence Saidabad, Hyderabad, and produced them before the Hon'ble Additional Munisif Magistrate, Eluru, West Godavari District, at 7.30 P.M. and they were remanded to judicial custody till 4.5.2006 and lodged in Rajahmundry Central Jail on 22.4.2006. As such the Accused Officer was in and lodged in Jail for a period exceeding forty eight hours. Government, after examination of the matter has issued deemed suspension orders from the date of detention on 20.4.2006 in terms of clause (a) of sub rule (2) of rule 8 of the Andhra Pradesh Civil Services (CC&A) Rules 1991 until the conclusion of disciplinary proceedings/termination of all proceedings relating to the criminal charges against Dr.Syed Arifuddin, Reader, Government, Nizamia Tibbi College, Hyderabad vide reference 3<sup>rd</sup> read above.

2. In the reference 4<sup>th</sup> read above the Hon'ble Andhra Pradesh Administrative Tribunal has set-aside the impugned orders issued in the reference 3<sup>rd</sup> read above. Based on the interim orders of the Hon'ble Tribunal, the then Principal, NTBC, Hyderabad admitted the individual to duty w.e.f. 26.5.2006.

3. In the reference 6<sup>th</sup> read above the Commissioner, Department of Ayush has forwarded the representation of the Dr.Syed Arifuddin, to the Government requesting to issue orders on the regularization of suspension period from 20.4.2006 to 25.5.2006 of the individual.

4. In the reference 7<sup>th</sup> read above, the Hon'ble Andhra Pradesh Administrative Tribunal has directed the respondents to release the increments to the applicant during suspension i.e. from 29.4.2006 till date as per Revised Pay Scales. Subsequently Dr. Syed Arifuddin has filed C.A. for non implementing the order of APAT vide reference 8<sup>th</sup> read above.

5. In the reference 9<sup>th</sup> read above the Hon'ble IInd Additional Judicial Magistrate of I class, Eluru has passed the following orders are passed:-

"25. In view of the discussion, this Court is of the considered opinion that the prosecution has failed to bring home the guilt of A3 for the offences charged against him under Sec.420, 468 and 471 of IPC. Therefore A3 is entitled for benefit of doubt."

**In the result**, I find A3 not guilty for the offences under Sec.420, 468 and 471 of I.P.C. and accordingly he is acquitted under Sec.248(1) Cr.P.C. The bail bonds of A3 shall stand cancelled."

6. In the reference 9<sup>th</sup> read above, the Hon'ble High Court of Andhra Pradesh has passed the following orders:-

"Notice before admission.

In the material placed before this Court, there is a letter dated 19.2.2008 addressed by the 1st respondent herein to the Principal, Government Nizamia Tibbi College, Charminar, Hyderabad by making copies to the Commissioner Department of Ayush, Govt., A.P. Hyd and the Principal Secretary , Health Medical and Family Welfare Department Govt., of A.P. Hyd seeking to regularize his suspension period from 20.4.2006 to 25.5.2006.

Pending further orders, the petitioners shall pass orders on such communication of the first respondent within a period of four weeks from today Post after four weeks .

7. Government after examination of the matter in the light of the orders of the Hon'ble High Court of Andhra Pradesh has decided to treat the suspension period of Dr.Syed Arifuddin, formerly Reader, NTBC., Hyderabad now retired from 20.4.2006 to 25.6.2006 as "Not on duty" under F.R. 54-B(7) without prejudice to the order in the appeal filed in High Court of Andhra Pradesh in W.P.No. 33624 of 2013 .

8. Accordingly, Government, hereby order to regularize the suspension period of Dr.Syed Arifuddin, formerly Reader, NTBC., Hyderabad (now retired) from 20.4.2006 to 25.6.2006 as "Not on duty" under F.R. 54-B(7) without prejudice to the order in the appeal filed in High Court of Andhra Pradesh in W.P.No. 33624 of 2013 .

9. The Commissioner Department of Ayush, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner, Department of Ayush,  
Andhra Pradesh, Hyderabad  
Copy to  
The individual concerned through the Commissioner,  
Department of Ayush, Hyderabad

PTO

:: 2 ::

The Government Pleader for Services-1  
High Court of Andhra Pradesh, Hyderabad  
The Government Pleader for Medical & Health (Services),  
Andhra Pradesh Administrative Tribunal, Hyderabad.  
Sf/Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER